

2  
1 SHERYL A. STRAIN  
CHAPTER 7 TRUSTEE  
2 1875 E. ALLUVIAL AVE., #101  
FRESNO, CA 93720  
3 PHONE: (559) 297-3267  
FAX: (559) 297-3272  
4

5 UNITED STATES BANKRUPTCY COURT  
6 EASTERN DISTRICT OF CALIFORNIA  
7

8 In the Matter of: ) Case No.: 09-16369-A-7  
9 ROBB LEWIS ) DC No. SAS-001  
10 ) **MOTION FOR AUTHORIZATION TO**  
11 ) **SELL PERSONAL PROPERTY**  
12 ) 11 U.S.C. §363  
Debtor. ) Date: April 14, 2010  
13 ) Time: 9:00 a.m.  
14 ) Dept: A  
15 ) Judge: Honorable Whitney Rimel  
16 )  
17 )

16 **TO THE HONORABLE WHITNEY RIMEL UNITED STATES BANKRUPTCY**  
17 **JUDGE:**

18 Sheryl A. Strain respectfully represents:

- 19 1. She is the duly appointed, qualified, and acting Trustee of the above-entitled  
20 estate.  
21 2. The above-captioned case was filed under Chapter 7 on or about July 7, 2009,  
22 and Sheryl A. Strain was appointed Chapter 7 Trustee.  
23 3. This Court has jurisdiction over this proceeding by virtue of 28 U.S.C. §1334(a).  
24 This a “core” proceeding pursuant to 28 U.S.C. §157(b)(2)(A). This motion is brought  
25 pursuant to 11 U.S.C. §363  
26 4. Among the assets of this estate is a 2007 John Deere 5425 Tractor, (listed on  
27  
28

schedules as John Deere 5422) (“2007 Tractor”) with an approximate fair market value of \$18,000.00.

5. The debtor's schedule listed the value of the 2007 Tractor at \$18,000.00. The debtor claimed \$10,915.00 of the value of the 2007 Tractor exempt under California Code §703.140(b)(5). The tractor is subject to a lien held by John Deere. The Trustee has verified the amount of the lien.

6. The Trustee has received an offer from the debtor, Robb Lewis, to purchase the non exempt unencumbered tractor equity for the total sum of \$2,505.00 cash. The total sum of \$2,505.00 has been received by the estate.

7. In deciding to accept the proposed offer, the Trustee took into consideration the fair market value of the tractor and the costs associated with taking possession of, storing, and selling the tractor at auction. The Trustee does not believe that the estate would net a higher amount by selling the vehicle at auction.

8. The Trustee believes that sale of the above-described property on the terms set forth above is in the best interest of the creditors of this estate and all parties in interest.

**WHEREFORE**, the Trustee prays that after appropriate notice and opportunity to be heard, she be authorized to sell the above-described asset to the debtor, Robb Lewis, for the total sum of \$2,505.00.

**DATED:** 3/15/10

/s/  
Sheryl A. Strain  
Chapter 7 Trustee